IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5315 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

1 to 5 NO

MESWANIYA MECHANICAL WORKS

Versus

IBRAHIM HASAMBHAI

Appearance:

1. Special Civil Application No. 5315 of 2000

MR MM TIRMIZI for Petitioner

MR PRAKASH PUROHIT for MR SANDEEP N BHATT for Respondent

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 30/04/2002

ORAL JUDGEMENT

1. The learned counsel for both the parties submitted, on instructions, that after prolonged negotiations, the parties have been persuaded to fully

and finally settle the dispute in view of the inability of the petitioner to reinstate the opponent and the inability of the opponent to serve. In such circumstances, the award of reinstatement and its implementation has become unworkable. Therefore, the parties have agreed to settle the dispute in terms of money and the respondent-workman has agreed to accept, in all, a sum of Rs.50,000/- in full and final settlement and in substitution of the award and orders in his favour. Accordingly, the award in Reference (LCR) No.267 of 1995 dated 19.10.1996 and the order in Recovery Application No.53 of 1997 dated 7.1.2000 are substituted by an order to the petitioner to pay to the respondent a sum of Rs.40,000/- by a demand draft or an account payee cheque in the name of the respondent, and the respondent shall also be paid the sum of Rs.10,000/- deposited in this Court by virtue of the order dated 22.6.2001 upon his making appropriate application therefor. The learned counsel for the petitioner made a statement that the amount required to be paid to the respondent directly shall be paid on or before 15.6.2002. The petition accordingly stands disposed and Rule is made absolute with no order as to costs.

Sd/-

(D.H.Waghela, J.)

30.4.2002

(KMG Thilake)